

**Judicial Proceedings Panel  
January 6, 2017 Public Meeting  
Biographies of Presenters**

**Site Visit Presentation on Sexual Assault Investigations in the Military and  
Deliberations on Subcommittee Recommendations  
9:15 a.m. – 10:30 a.m.**

**Ms. Lisa Friel** is an internationally recognized expert on sexual assault. Ms. Friel has investigated and supervised complex cases involving sexual assault and harassment, human trafficking, workplace violence, child pornography, internet predators, unlawful surveillance, theft and fraud. Ms. Friel began her professional career at the New York County District Attorney's Office, specializing in sexual assault cases. She was the Chief of the Sex Crimes Prosecution Unit for nearly a decade and the Deputy Chief for 11 years. Supervising more than 40 assistant district attorneys, support staff and investigators, she typically managed 300 cases and investigations at any one time. Ms. Friel has directed thousands of investigations into allegations of sexual assault and other misconduct and has trained hundreds of law enforcement personnel throughout the world. In October 2011, following a distinguished 28-year career as a Manhattan prosecutor, Ms. Friel joined T&M Protection Resources as Vice President of the Sexual Misconduct Consulting & Investigations division. Ms. Friel and her staff developed policies and procedures, provided training workshops and conducted sensitive investigations into a myriad of issues to include sexual misconduct (both sexual assault and sexual harassment) and domestic violence. In September 2014, Ms. Friel was appointed as T&Ms Special Advisor to the NFL Commissioner, consulting on domestic violence, child abuse and sexual assault within the NFL. In April 2015, Ms. Friel accepted a permanent position with the NFL, when she was appointed by Commissioner Goodell as the NFL's Special Counsel for Investigations, where she is responsible for all investigations related to possible violations of the NFL's Personal Conduct Policy.

**Perspectives of Former Military Trial Judges on the Application of M.R.E. 412 and  
M.R.E. 513 at Article 32 Hearings and Courts-Martial  
10:30 a.m. – 11:45 a.m.**

**Lieutenant Colonel Wendy Sherman**, U.S. Air Force, Retired, is currently the Clerk, Air Force Trial Courts. Lieutenant Colonel Sherman completed 21 years of active duty as a judge advocate until retiring to work for the Air Force as a civilian. While on active duty, Lieutenant Colonel Sherman served as the chief circuit military judge for the Central Circuit of the Air Force and as a trial judge for the Central Circuit of the Air Force. In her 2.5 years as a trial judge, she presided over courts-martial that involved complex issues of fact, law and evidence. She has been detailed to over 100 felony and misdemeanor trials. Lieutenant Colonel was also responsible for the leadership of the Central Circuit of the Air

Force Trial Judiciary and its personnel. Previously, while on active duty, she served as a staff judge advocate, military justice advisor for a major command, trial and defense counsel, and taught at the Air Force Judge Advocate General School.

**Lieutenant Colonel Wade Faulkner**, U.S. Army, Retired, practices primarily criminal defense and military law at the trial level in state, federal and military courts. He earned his Juris Doctor from Baylor Law School in 2001 and he was awarded his LL.M. in Military Law from the U.S. Army Judge Advocate General's Legal Center and School in 2008. Previously he served as special assistant U.S. attorney and military prosecutor and senior defense counsel. During his assignment as senior defense counsel, Lieutenant Colonel Faulkner defended one of the Guantanamo detainees at a military commission. He then served as a brigade judge advocate and deployed to Operation Iraqi Freedom. In 2011, he was assigned as the chief of justice for III Corps and Fort Hood at Fort Hood, TX where he oversaw the prosecution of all courts-martial including the court-martial of *U.S. v. Nidal Hasan*. In 2013, he was assigned as a trial judge where he presided over courts-martial trials at Fort Hood and Fort Sam Houston, TX, Fort Polk, LA, and Fort Sill, OK. In 2016, he retired from active duty and opened his own firm in the central Texas area. Lieutenant Colonel Faulkner is licensed in Texas and is admitted to U.S. Court of Appeals for the Armed Forces and the U.S. District Court for the Western District of Texas.

**Lieutenant Colonel Elizabeth Harvey**, U.S. Marine Corps, served as a prosecutor and defense counsel at the trial level. She then attended The Judge Advocate General Legal Center and School in Charlottesville, VA and received her LL.M. in military law with a concentration in criminal law. Lieutenant Colonel Harvey was then assigned to the Navy and Marine Corps Appellate Government branch, representing the Government in appeals to the Navy and Marine Corps Court of Criminal Appeals and the Court of Appeals for the Armed Forces. Prior to her retirement in September 2016, Lieutenant Colonel Harvey spent four years as a military judge, presiding over more than 130 completed felony and misdemeanor trials.

**Commander Cassie Kitchen**, U.S. Coast Guard, is the Chief of Military Justice and Command Advice for the Coast Guard Legal Service Command where she oversees the provision of prosecutorial services and military justice investigative support for matters arising out of more than 65 supported commands. Previously, she was as a military judge for five years, to include serving as the chief trial judge of the Coast Guard trial judiciary. Prior to becoming a military judge, Commander Kitchen had extensive military justice experience as a prosecutor and providing military justice instruction at the Naval Justice School.

**Commander Mike Luken**, U.S. Navy, is the Trial Counsel Assistance Program Director. Previously, Commander Luken served as the senior trial counsel at Trial Service Office - Southeast, where he prosecuted a number of serious cases. He was assigned to Commander, Patrol Reconnaissance Force, U.S. Pacific Fleet in Kaneohe Bay, HI as the staff judge advocate. He was the Assistant Officer-In-Charge/Senior Defense Counsel at the Naval Legal Service Office Pacific, Detachment Pearl Harbor where he was again detailed to a number of serious courts-martial throughout the Pacific in Yokosuka and Okinawa, Japan; San Diego, CA; and, HI. Commander Luken was the staff judge advocate to Commander, Logistics Group Western Pacific/CTF73 in Singapore. He worked in the OPLAW Division for the SJA Office while deployed in Iraq. He also served as the executive officer (XO) at Regional Legal Service Office Mid-Atlantic in Norfolk, VA and as a military judge for the U.S. Navy-Marine Corps trial judiciary, Central Circuit in Norfolk, VA. As military judge, he presided within the Navy's busiest trial circuit presiding over felony and misdemeanor courts-martial. He attended George Washington University School of Law where he successfully completed his Masters of Law Degree with highest honors - Litigation and Dispute Resolution in April 2011. Commander Luken was designated as a "Military Justice Expert" in 2015.

### **Perspectives of Trial Counsel on the Application of M.R.E. 412 and M.R.E. 513 at Article 32 Hearings and Courts-Martial**

**12:30 p.m. – 1:45 p.m.**

**Major Ryan Reed**, U.S. Air Force, is a senior trial counsel assigned to the Special Victims Unit at Joint Base San Antonio-Randolph, TX and is responsible for the prosecution of violent crimes to include sexual assaults, firearms offenses, and homicide cases. Previously, Major Reed served as the area defense counsel at Keesler Air Force Base, MS, and as the deputy chief of military justice at Ramstein Air Base, Germany. Prior to his commission into the United States Air Force, Major Reed was a road patrol supervisor, detective, and school resource officer at the Charlotte County Sheriff's Office in southwest FL. He is the first Air Force graduate of the Gerry Spence Trial Lawyers College.

**Captain Brad Dixon**, U.S. Army, has been a training officer with the Army JAG Corps Trial Counsel Assistance Program since June 2016. In his current position, he is responsible for assisting and training all trial counsel throughout the Army. Previously, Captain Dixon served as trial counsel for the 11th Air Defense Artillery Brigade at Fort Bliss, TX, from 2011 – 2013. In that role, he prosecuted a wide range of crimes, the majority of which involved charges under Article 120 of the Uniform Code of Military Justice. From 2013 – 2016, Captain Dixon went on to serve as a special victim's prosecutor for Fort Lee and Joint Base Langley-Eustis in VA, where he prosecuted all special victim cases. Additionally, he trained and mentored trial counsel, CID agents, victim witness liaisons, SHARP representatives, and medical personnel to accomplish the most professional prosecution of cases possible.

**Lieutenant Commander Geralyn van de Krol**, U.S. Coast Guard, is the Branch Chief, Trial Services for Coast Guard Legal Service Command in Alameda, CA. In that position, she manages a staff of four attorneys. Her office is responsible for providing prosecutorial support to Deputy Commandant of Mission Support and Coast Guard Pacific Area units. As a trial counsel and supervisor, the majority of Lieutenant Commander van de Krol's time is focused on litigation of sexual assault cases. She has served as government counsel where she supervised more than thirty Article 32 investigations and hearings involving allegations of sexual assault, including cases heard before and after implementation of Sec. 1702 FY14 NDAA. She regularly provides advice to Coast Guard prosecutors on best practices related to M.R.E. 412 information at Article 32 hearings. Previously, Lieutenant Commander van de Krol served as a staff attorney for the Legal Service Command in Alameda, CA and as a matrixed staff attorney in the Coast Guard Pacific Area legal office. In addition to her duties with the Coast Guard, she spent three months serving as a prosecutor with the U.S. Marine Corps at Camp Pendleton, California. She received a Juris Doctor from Chicago-Kent School of Law in Chicago, Illinois in 2011. Lieutenant Commander van de Krol is a member of the Illinois Bar.

**Lieutenant Commander Ben Robertson**, U.S. Navy, is a military trial specialist serving as the chief prosecutor for the Navy in the National Capitol Region. His office handles some of the Navy's cases, including sexual assaults, domestic violence, and senior office misconduct. Lieutenant Commander Robertson's areas of special training, education, and experience include trial advocacy, evidence, and special victims' investigations and prosecutions. He has previously served as a trial counsel, defense counsel, professional development officer, and instructor at the Naval Justice School. Lieutenant Commander Robertson holds a Juris Doctor degree from the University of Miami, a Bachelor of Science from the United States Naval Academy, completed Joint Professional Military Education Phase I through the Naval War College, and is a graduate of the United States Marine Corps' Infantry Officer Course.

**Major Adam J. Workman**, U.S. Marine Corps, is the Deputy Staff Judge Advocate for I Marine Expeditionary Force (MEF). Previously, Major Workman was a trial counsel where he prosecuted all courts-martials aboard Marine Corps Air Station, Iwakuni, Japan, to include accusations of sexual assault, larceny, aggravated assault, drug distribution, etc. While stationed at Camp Pendleton, CA, Major Workman was assigned as a trial counsel with the complex trial team where he successfully prosecuted a war crimes murder case that had been overturned on appeal. He also served as the senior trial counsel at Legal Service Support Team, and as the senior defense counsel where he supervised and represented Marines accused at courts-martial and administrative proceedings. Major Workman has served as a prosecutor liaison with the Central Criminal Court of Iraq, the procedure officer in the military justice department, the division officer for legal assistance, staff judge advocate, and an instructor at the Naval Justice School. Major Workman holds a Master of Laws in international law at the University of Texas at Austin and was a member of the Texas International Law Journal.

**Perspectives of Defense Counsel on the Application of M.R.E. 412 and M.R.E. 513 at  
Article 32 Hearings and Courts-Martial  
1:45 p.m. – 3:00 p.m.**

**Major Benjamin Henley**, U.S. Air Force, is currently a senior defense counsel in the Central Circuit for the United States Air Force. In his 9 year Air Force career, Major Henley has served as a senior defense counsel, a senior trial counsel, an area defense counsel and a local assistant staff judge advocate. He has prosecuted or defended over 80 felony level courts-martial, the vast majority of which contained an Article 120 offense. Prior to joining the Air Force, Major Henley practiced as a sole practitioner for about three years in criminal, domestic and personal injury law.

**Major Marcia Reyes-Steward**, U.S. Army, is currently serving as the senior defense counsel at Fort Leavenworth, KS. She was commissioned in 2003 as a medical Service Corps officer and has been a judge advocate since 2010. Major Steward served as a trial counsel at Fort Knox, KY, for 12 months and as a trial counsel at Fort Bragg, NC, for 12 months. She has been serving as the senior defense counsel since June 2015.

**Major James G. Argentina Jr.**, U.S. Marine Corps, is the senior defense counsel for the Camp Lejeune Branch, Eastern Region of the Defense Services Organization for the United States Marine Corps. He has an LL.M. in criminal law from The Judge Advocate General's Legal Center & School. Major Argentina has held billets as trial counsel, complex trial counsel, special assistant United States Attorney for the Eastern District of North Carolina, and as senior trial counsel before entering his current billet. He has prosecuted and supervised the prosecutions of a wide range of military justice and federal cases. Some of the more serious cases he prosecuted include: attempted murder; rape and sexual assault; domestic assault; child pornography; theft and fraud; desertion and unauthorized absence; and hazing. He has also defended clients and supervised attorneys with clients accused of these same types of offenses while in his current billet.

**Lieutenant Commander Rachel Trest**, U.S. Navy, is a senior defense counsel at Defense Service Office North, Washington, D.C. She received her Bachelor of Arts from American University, Washington, DC and graduated from the University of Illinois College of Law, Urbana-Champaign in 2003. Lieutenant Commander Trest also graduated from George Washington University Masters in Law, Trial Advocacy Program in 2013. She is a military justice specialist and has served thirteen years in the JAG Corps. She has served as a prosecutor at Great Lakes, IL, the Office of Military Commissions Office of the Chief Prosecutor, Washington, DC, and also as the senior trial counsel for Region Legal Service Office Naval District Washington, Washington, DC. Lieutenant Commander Trest served as the command judge advocate for the USS ABRAHAM LINCOLN (CVN 72), Newport News, VA, and as defense counsel and legal assistance attorney in San Diego, CA. She has litigated a wide-range of courts-martial including sexual assault, homicide, aggravated assault, child abuse, child pornography and domestic violence.

**Perspectives of Special Victims' Counsel and Victims' Legal Counsel on the  
Application of M.R.E. 412 and M.R.E. 513 at Article 32 Hearings and Courts-Martial  
3:00 p.m. – 4:15 p.m.**

**Captain September Foy**, U.S. Air Force, currently serves as Special Victims Counsel (SVC) with the Special Victims' Counsel Division, Community Legal Services Directorate, Air Force Legal Operations Agency, assigned to Robins AFB, GA. Advocating for over 40 clients, she provides legal support and advocacy to victims of sexual assault offenses throughout the investigative and military court-martial processes. Before serving as an SVC, Captain Foy served as the area defense counsel for Robins AFB, GA where she defended over 500 Airmen in courts-martial, nonjudicial punishment proceedings and other adverse actions. She also served as the chief of military justice for Andersen AFB, Guam where she prosecuted 13 courts-martial in two years. Captain Foy graduated from Pepperdine University School of Law in 2007 and was admitted to the State Bar of California that same year. She was awarded a Trial Advocacy Fellowship from the American Board of Trial Advocates in the Fall of 2007 and completed her Masters in Dispute Resolution from Pepperdine University School of Law in the Spring of 2008.

**Captain Christopher Donlin**, U.S. Army, is the Action Officer for the Army Special Victims Counsel (SVC) Program Manager's office. In this position he has represented 70 clients over the last two and a half years. He has served as a facilitator at four SVC certification courses and two child victim advocacy courses. In his current position he responds to requests for information and provides advice to 112 SVCs currently representing clients around the world. Prior to this position he served as the Deputy Regimental Judge Advocate for the 75th Ranger Regiment. He has also served as a trial counsel, legal advisor, and prosecutor. He was recently selected for promotion to the rank of Major and will attend the Army's JAG Graduate Course at The Judge Advocate General's Legal Center and School.

**Major Aran T. Walsh**, U.S. Marine Corps, is the Regional Victims Legal Officer for the western region, located at Marine Corps Base Camp Pendleton. Major Walsh previously served as the battalion motor transport officer, Amphibian Assault vehicle platoon commander, a platoon commander, Amphibian Assault company executive officer, and the battalion civil military operations team leader. He attended and graduated from Suffolk University Law School in Boston, MA with a Juris Doctor in May 2013. While attending law school, Major Walsh completed an internship with the Boston District Attorney's Senior Trial Unit where he assisted in the prosecution of violent homicides. Upon graduation from the Naval Justice School, Major Walsh served as a defense counsel and as the base victims legal counsel.

**Lieutenant Commander Elizabeth Hutton**, U.S. Coast Guard, serves as the Senior Special Victims Counsel for the Coast Guard Office of Legal Assistance and Member Advocacy in Washington, DC. In this capacity, she is responsible for providing counsel and legal representation to victims of sexual assault as part of the Coast Guard's Sexual Assault Prevention and Response Program. Prior military justice positions include a one year detail as trial counsel for the Navy Region Legal Service Office Mid-Atlantic in Norfolk, VA and trial counsel for the Coast Guard Legal Service Command's Military Justice Branch also in Norfolk, VA. As trial counsel, Lieutenant Commander Hutton was primarily responsible for cases involving sexual assault offenses. Other military assignments include staff attorney for the Fifth Coast Guard District and instructor at Coast Guard Officer Candidate School.

**Lieutenant Commander James Toohey**, U.S. Navy, Judge Advocate General's Corps, is the Victims' Legal Counsel for Naval Base Coronado in San Diego, CA. Lieutenant Commander Toohey has previously served as a staff judge advocate, senior trial counsel, legal assistance attorney and defense counsel. In 2010, he was selected as a specialist in the Navy Judge Advocate General Corps' military justice litigation career track. Lieutenant Commander Toohey earned his Juris Doctor in 2001 from the University of North Carolina School of Law. He received his master of laws in trial advocacy with honors from Temple University Beasley School of Law in 2014 and was also the recipient of the class of 2014 Faculty Award. While attending Temple, he also served full-time as a special assistant United States attorney for the Eastern District of Pennsylvania in Philadelphia, prosecuting primarily offenses involving firearms and violent crimes.